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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,540	11/05/2003	Hartmut Schmode	19542	6056
26480	7590	04/19/2005	EXAMINER	
LAWRENCE E. LAUBSCHER, SR. LAUBSCHER LAW OFFICES 1160 SPA ROAD SUITE 2B ANNAPOLIS, MD 21403			CRANE, DANIEL C	
		ART UNIT		PAPER NUMBER
		3725		
DATE MAILED: 04/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/700,540	SCHMODE, HARTMUT	
	Examiner	Art Unit	
	Daniel C Crane	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7, 11, 12 and 17 is/are rejected.
- 7) Claim(s) 8-10, 13-16 and 18 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/10/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

BASIS FOR REJECTIONS

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

REJECTION OF CLAIMS OVER PRIOR ART

Claims 1-3 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Demler (2,762,414). Demler shows a housing having a pair of sidewalls 24 for supporting a disk 16, which is in the shape of a "drum", having a plurality of dies 45, 46, 47 spaced about the periphery of the "drum" 16. An opening (not shown) is provided in the sidewall so that the connector 11 and conductor 12 can be inserted into position between the selected die of the drum 16 and a movable crimping member 14. The drum 16 is mounted to an axle 18 that extends parallel to the direction of workpiece insertion within the opening. Handle means (not shown), but described at column 1, lines 60-70, is provided for operating the crimping member 14. A die selection wheel 32 is non-rotatably connected to the drum and is provided with retaining means

36 to fix the drum in position for a crimping operation. First, second and third retaining means 36 are provided for locking the drum into selected position.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Demler (2,762,414). The material of the drum, i.e., steel, would have been a matter of choice dependent upon the hardware availability and manufacturing costs. The skilled artisan would have recognized the selection of steel as a drum material for its durability. Accordingly, it would have been obvious to the skilled artisan at the time of the invention to have modified Demler's drum 16 by constructing the drum from steel so as to improve its durability as well known to the manufacturer.

Claims 5, 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demler (2,762,414) in view of Shannon (4,926,685). Demler has been treated supra. Demler's die selection wheel is not shown to be axially movable. Such selection mechanism are common as shown by Shannon in Figure 3 where the wheel 30 can be axially moved to position the selected die into position for crimping, such a mechanism facilitating ease of die selection and a simplification of the mechanism. Accordingly, it would have been obvious to the skilled artisan at the time of the invention to have modified Demler's die selection wheel by axially mounting the wheel within the housing as taught by Shannon in Figure 3 so as to simplify the die selection operation.

Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demler (2,762,414) in view of Iskyan (3,103,245). The use of indicia on hand tools is common in the art as evidenced by Iskyan in figure 1 for the clamping elements. It would have been obvious to the skilled artisan at the time of the invention to have modified Demler's hand tool by further providing indicia where needed using the concepts taught by Iskyan so as to facilitate ease of selection for the appropriate die for the intended use.

INDICATION OF ALLOWABLE SUBJECT MATTER

Claims 8-10, 13-16 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

PRIOR ART CITED BY EXAMINER

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

RESPONSE BY APPLICANT(S)

Applicant(s) response to be fully responsive and to provide for a clear record must specifically point out how the language of the claims patentably distinguishes them from the references, both those references applied in the objections and rejections and those references cited in view of the state of the art in accordance with 37 CFR 1.111 (a), (b) and (c).

INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is **(571) 272-4516**. The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Derris Banks, can be reached at **(571) 272-4419**.

Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number (703) 872-9306. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is **(571) 273-4416**.

DCCrane
April 16, 2005



Daniel C. Crane
Primary Patent Examiner
Group Art Unit 3725